

1 JOSEPH P. RUSSONIELLO (SBN 44332)
United States Attorney
2 JOANN M. SWANSON (SBN 88143)
Chief, Civil Division
3 JULIE A. ARBUCKLE (SBN 193425)
Assistant United States Attorney
4 450 Golden Gate Avenue, Ninth Floor
San Francisco, California 94102
5 Telephone: (415) 436-7102
Facsimile: (415) 436-6748
6 Email: julie.arbuckle@usdoj.gov

Attorneys for Federal Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SARI ISSA NATOUR,)
Plaintiff,)
v.)
U.S. DEPARTMENT OF AGRICULTURE,)
Defendant.)
)
No. C 07-3764 JSW
[PROPOSED] ORDER GRANTING
MOTION TO DISMISS
[Fed. Rules of Civ. Proc. 4(m), 12(b)(4),
12(b)(5), and 12(b)(6)]
Date: April 4, 2008
Time: 9:00 a.m.
Ctrm: 2, 17th Floor

Federal Defendant United States Department of Agriculture's ("USDA") motion to dismiss Plaintiff Sari Issa Natour's ("Plaintiff") Complaint was heard on April 4, 2008 at 9:00 a.m. in Courtroom 2 of the above-referenced Court. After considering all papers filed in support of and in opposition to the motion, and hearing oral argument, the Court hereby GRANTS the USDA's motion on the following grounds:

- (1) Without good cause, Plaintiff failed to serve the USDA, the U.S. Attorney's Office and the U.S. Attorney General within 120 days of filing his Complaint as Federal Rule of Civil Procedure 4(m) requires; and
- (2) The United States, not the USDA, is the only proper defendant under the Food Stamp Act (7 U.S.C. §2023) in this action appealing the USDA's final agency decision disqualifying

1 Plaintiff from participating in the Food Stamp Program.

2 The dismissal for failure to comply with Rule 4(m) is without prejudice, and the dismissal of the
3 USDA as an improper defendant is with prejudice.

4 IT IS SO ORDERED.

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6 Dated: _____

7 Jeffrey S. White
United States District Judge

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